

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CIVIL DIVISION**

BYRON HIRTZEL, Plaintiff, v. NATIONSTAR MORTGAGE, LLC dba MR. COOPER, Defendant. _____/	Case No. 23cv60756
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**MOTION TO LIFT STAY AND SCHEDULE CIVIL JURY TRIAL DATE AND
PRETRIAL DEADLINES**

Plaintiff, **BYRON HIRTZEL** (“Plaintiff”), file this Motion to Lift Stay and Schedule Civil Jury Trial Date and PreTrial Deadlines and in support of this request state as follows:

1. On February 1, 2024 this Court issued an order [D.E. 53], staying this matter (“Order”). The Order provided that either party may request the Court to reopen the case.
2. Although the parties resolved the discovery deficiencies, they were unable to come to an agreement for settlement of this matter.¹
3. Pursuant to the Order, on May 1, 2024, Plaintiff filed a Notice of Non-Settlement [D.E. 55] with a proposed order seeking the case be reopened.

¹ The process was frustrated and delayed due to sensitive extenuating circumstances experienced by counsel for Defendant; if so required, undersigned counsel believes the specifics should be disclosed by counsel for Defendant and not undersigned.

4. In an abundance of caution and due to the matter not being re-opened after the filing of the Notice of Non-Settlement, Plaintiff files this motion to seek the stay be lifted and the matter be placed on a trial schedule that is convenient for the Court and that allows the parties to complete the remaining filings necessary for the matter to proceed to trial..
5. Plaintiff provides the following proposed schedule for the remaining pending deadlines:

Month/Day/Year	Pretrial Deadlines and Trial Date
August 30, 2024	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3).
September 13, 2024	Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).
September 30, 2024 (approximate)	Two-week trial period commences (calendar call will be scheduled on the Tuesday before the trial period (September 24, 2024)

WHEREFORE, Plaintiff requests that this Court enter an Order lifting the stay in this matter and schedule the remaining trial deadlines.

S.D. FLA. L.R. 7.1 CERTIFICATION

Pursuant to S.D. Fla. 7.1(a)(3), the parties have conferred, and Defendant does not

oppose the relief sought by Plaintiff's Motion.

Dated: 7/21/2024

/s/ Jessica L. Kerr, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 21, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record in this action via transmission of Notices of Electronic Filing generated by CM/ECF:

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